

Appl. No. 10/058,523

Reply to Office action of Apr. 11, 2003

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

In the specification, the paragraph beginning on page 6, line 23, has been amended to correct a minor error.

Claims 1-12 remain in the application. Claims 1 and 6 have been amended.

In item 2 on page 2 of the above-identified Office action, claims 1-12 have been rejected as being anticipated by Staff (U.S. Patent No. 4,194,400) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes may be found on page 8, lines 8-9 and on page 10, lines 15-16 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Amended claim 1 defines a method of measuring gaps and hollow spaces in motor vehicle body construction, the method including the steps of:

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- introducing a filler element into one of a gap and a hollow space having a given dimension; and
- measuring the given dimension of the one of the gap and the hollow space by using an ultrasonic testing unit coupled to the filler element.

In contrast, the patent to Staff discloses an ultrasonic inspection technique which includes the steps of:

- introducing a filler element (liquid couplant such as water, glycerine or a light oil, see col 3, lines 46-50) into a gap between a transducer face 36 and a surface 64 of a member 16 (col. 2, lines 29-31, col. 4, line 65); and
- determining the presence of a defect in the member 16 by comparing the form of a reflected ultrasonic signal with the form of a predetermined normal signal (col. 5, lines 33-40, col. 6, lines 26-28).

Clearly, Staff does not measure the dimension of the gap between the transducer face 36 and the surface 64 of the member 16. Staff only determines the presence of an internal defect, such as a crack, in the member (col. 5, lines 33-40). The subject matter of amended claim 1 is thus not anticipated by the disclosure of the patent to Staff.

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Accordingly, amended claim 6 defines that the ultrasonic testing unit is configured to measure the given dimension of the gap or hollow space. Staff does not disclose an ultrasonic testing unit that measures the dimension of the gap between the transducer face 36 and the surface 64 of the member 16. Thus, the subject matter of amended claim 6 is not anticipated by the disclosure of the patent to Staff.

In item 3 on page 4 of the Office action, claims 1-12 have been rejected as being anticipated by Yamaguchi et al. (U.S. Patent No. 6,397,656) under 35 U.S.C. § 102.

Yamaguchi et al. disclose a method for detecting a liquid level in a vessel, the method including the steps of:

- introducing a filler element 44 (Fig. 7) into a gap having a given dimension; and
- measuring an ultrasonic wave 6b that has been reflected on a liquid level 5 in a tank 3 in order to calculate the distance between the detector and the liquid level 5 (Fig. 2, step ST6; col. 5, line 65 to col. 6, line 1).

Clearly, Yamaguchi et al. do not measure the dimension of the gap into which the filler element 44 has been introduced. Yamaguchi et al. only measure the distance between the detector 2 and the liquid level 5 in the tank 3. The subject

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matter of amended claim 1 is thus not anticipated by the disclosure of the patent to Yamaguchi et al.

Amended claim 6 defines that the ultrasonic testing unit is configured to measure the given dimension of the gap or hollow space into which the filler element has been introduced.

Yamaguchi et al. do not disclose an ultrasonic testing unit that measures the dimension of the gap into which the filler element has been introduced (gap between detector 2 and tank 3). Thus, the subject matter of amended claim 6 is not anticipated by the disclosure of the patent to Yamaguchi et al.

The patent to Staff relates to a method of detecting defects in a material. The patent to Yamaguchi et al. relates to a method of measuring a liquid level in a tank. Neither Staff nor Yamaguchi et al. disclose measuring a dimension of a gap into which a filler element has been introduced and it is strongly believed that, absent hindsight judgment in view of this application, no incentive can be found in the art to provide the combination of limitations as defined in claims 1 and 6 in order to measure gaps or hollow spaces in a motor vehicle body.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either

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show or suggest the features of claim 1 or 6. Claims 1 and 6 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

Petition for extension is herewith made. Please charge the extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110 in accordance with Section 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 also to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicant

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MB:cgm

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